

INSPECTIONS AND APPEALS DEPARTMENT[481]

Notice of Intended Action

Proposing rule making related to amusement concessions and posted rules and providing an opportunity for public comment

The Inspections and Appeals Department hereby proposes to amend Chapter 100, “General Provisions for Social and Charitable Gambling,” and Chapter 101, “Amusement Concessions,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 10A.104 and 99B.2.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapter 99B and 2018 Iowa Acts, Senate File 2333.

Purpose and Summary

The proposed amendments to Chapter 101 implement changes made to Iowa Code chapter 99B resulting from 2018 Iowa Acts, House File 2333, which increased to \$950 the value of a prize that may be awarded for playing an amusement concession. The proposed amendments to Chapter 101 also implement changes to Iowa Code chapter 99B resulting from 2015 Iowa Acts, Senate File 482.

The proposed amendments to Chapter 100 clarify that rules made available on a sign near the front of a playing area or electronically at each player’s location shall be accessible to the player before the player forfeits money to play the game.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 481—Chapter 6.

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on September 3, 2019. Comments should be directed to:

Ashleigh Hackel
Iowa Department of Inspections and Appeals
Lucas State Office Building
321 East 12th Street
Des Moines, Iowa 50319-0083
Email: ashleigh.hackel@dia.iowa.gov

Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend rule 481—100.8(99B) as follows:

481—100.8(99B) Posted rules—games other than bingo and raffles. Rules established by the licensee shall be posted on a sign near the front of the playing area or made available electronically at each player’s location. Rules for each game shall be accessible to a player before the player forfeits money to play the game. Rules shall be in large, easily readable print and shall include:

1. to 5. No change.

ITEM 2. Amend rule 481—101.1(99B) as follows:

481—101.1(99B) License requirements. No games shall be conducted until an application is approved and a license is issued by the department.

101.1(1) License required. A gambling license is required for each amusement concession game. The name and description of the game shall be attached to the application.

101.1(2) Licensee. The person conducting an amusement concession, for the purposes of licensure, is the owner of the amusement concession.

101.1(3) Requirements. Application and license requirements are found in rules 481—100.2(99B) and 100.3(99B) 481—Chapter 100.

~~**101.1(1)** A carnival, bazaar, centennial or celebration sponsored by a bona fide civic group, service club or merchants group may be issued a license which allows the sponsor of the event to conduct all games permitted for 14 consecutive calendar days. Anyone other than the sponsor who conducts a game must apply for a license and pay the fee shown on the application.~~

~~**101.1(2)** The location of an amusement concession shall comply with requirements in Iowa Code section 99B.4.~~

This rule is intended to implement Iowa Code section ~~99B.4~~ 99B.31.

ITEM 3. Amend rule 481—101.2(99B) as follows:

481—101.2(99B) Prizes. All prizes shall be merchandise. The value of any prize shall not exceed ~~\$50~~ \$950. Small merchandise prizes may be exchanged for a prize of greater value if the value of the exchanged prize does not exceed ~~\$50~~ \$950. A prize which cannot be obtained shall not be displayed.

This rule is intended to implement Iowa Code section ~~99B.3~~ 99B.31.

ITEM 4. Amend rule 481—101.3(99B) as follows:

481—101.3(99B) Conducting games. In addition to the requirements found in Iowa Code section 99B.31, the following apply.

101.3(1) Object of each game. The object of each game must be attainable and possible to perform under the rules of the game by an average individual.

101.3(2) *No hidden numbers allowed.* The possible results shall not be hidden, as in a punchboard or pull-tab which conceals numbers.

101.3(3) *Cost.* The cost to play each game shall not exceed \$3 \$5.

~~Iowa Code section 99B.3 prohibits raffles at any licensed amusement concession.~~

This rule is intended to implement Iowa Code section ~~99B.3~~ 99B.31.

ITEM 5. Amend rule 481—101.4(99B) as follows:

481—101.4(99B) Posted rules. ~~Rules for each game shall be clearly posted on a sign at least 30 inches by 30 inches~~ Requirements for posted rules are found in rule 481—100.8(99B).

This rule is intended to implement Iowa Code section ~~99B.3~~ 99B.31.